

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

REGINALD LEE

\*

Plaintiff

\*

v.

\*

Civil No. WDQ-02-CV-2843

OFFICER DANTE HEMINGWAY

\*

Defendants

\*

\* \* \* \* \*

**DEFENDANTS' MEMORANDUM IN SUPPORT OF  
EMERGENCY MOTION TO CONTINUE TRIAL**

Defendant, Officer Dante Hemingway ("Defendant"), by his undersigned counsel, hereby files this Memorandum in support of his Motion to Continue the trial of the above-captioned matter presently scheduled for April 25, 2005. In support hereof, Defendants state as follows:

**ARGUMENT**

1. Defendant seeks to continue the trial of the above-captioned case from April 25, 2005 to a later date inasmuch as counsel for the Defendant is presently in the midst of a multi-day civil jury trial in the previously scheduled matter of Nicole Wilbon, et al v. Mayor and City Council of Baltimore, et al., Circuit Court of Maryland for Baltimore City, Case No. 24-C-03-003960, before the Hon. Shirley Watts, which case involves the death of an arrestee while in the custody of the Baltimore Police Department.

2. It is not anticipated that the trial of the above-described matter will conclude before Thursday, April 28, 2005.

3. The above-captioned case was transferred to undersigned counsel from the office of Neal Janey, Jr., Esquire, and undersigned counsel entered an appearance in the case on January 21, 2005. Counsel anticipated that his calendar would be clear for the commencement of the instant trial, but due to the failure of the parties to reach agreement as to dismissal of certain claims and parties, and/or to continue the Wilbon matter, the matter has proceeded, and is not expected to conclude before Thursday, April 28, 2005.

4. As a consequence of the above, and because good cause has been shown, Defendant respectfully requests that the above-captioned case be continued from April 25, 2005 to a later date.

5. Undersigned counsel has contacted counsel for the Plaintiff, Frederick P. Charleston, Esquire and Mr. Charleston consents to the Motion to Continue Trial.

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(410) 385-5240

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21st day of April, 2005, a copy of the foregoing Memorandum in Support of Motion to Continue Trial was telecopied and mailed, via first class mail, postage pre-paid to Frederick P. Charleston, Esquire, 10 N. Calvert Street, Suite 204, Baltimore, Maryland 21202.

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James H. Fields